

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

Second Appeal No.520/2004

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions : Court's or Judge's orders
and Registrar's orders.

CORAM : A.P. Lavande, J.
Dated : December 21, 2006

Heard Mr. Somani, Advocate for the
appellant.

The appellant takes exception to the
judgment and decree dated 5th August 2004
passed by 15th Adhoc Additional District Judge,
Nagpur passed in Regular Civil Appeal No.
163/2004 dismissing the appeal filed by the
appellant against judgment and decree dated
29.9.2003 passed by 6th Joint Civil Judge, Jr. Dn.
Nagpur in Regular Civil Suit No. 277/1997.

The respondent filed the above
referred suit against appellant-defendant for
recovery of the amount of Rs. 55000/- which

was advanced as loan to the defendant along with interest thereon @ 18% per annum. The suit was contested by the defendant. The trial Court held that the plaintiff had proved that he had given loan of Rs. 55,000/- to the defendant and consequently granted decree for payment of Rs.55,000/- with interest @ 12% per annum. The defendant preferred the appeal before the District Court which has also been dismissed by the lower appellate Court.

Mr. Somani, learned counsel appearing for the appellant submitted that the trial Court ought not to have granted interest @ 12% per annum and the rate of interest granted is highly excessive. I find no merit in the submission inasmuch as the amount was advanced by the plaintiff to the defendant by way of loan and the defendant having not paid the amount, the trial Court as well the lower appellate Court were justified in awarding interest @ 12% per annum. I do not find any perversity in the findings given by both the Courts below. No substantial question of law is

involved in the present appeal. Hence, the appeal is summarily rejected.

C.A. No. 7475/2004

In view of dismissal of second appeal, nothing survives in the application. Hence, the civil application is dismissed as infructuous.

JUDGE

A.